

Remarks:

This amendment is submitted in an earnest effort to advance this case to issue without delay. The examiner has indicated that the case contains allowable subject matter.

The specification has been amended to eliminate some minor obvious errors. No new matter whatsoever has been added.

Claims 10 and 21, which respectively depended from independent claims 1 and 15, have been found to contain allowable subject matter. Accordingly the subject matter of claims 1 and 15 has been inserted into claims 10 and 21, making them and any claims dependent on them allowable.

A new main independent claim 25 has been inserted in the case along with a new dependent claim 26, both reading on the elected species. New claim 25 corresponds generally to original claim 10, which has been canceled, and the combination of claims 25 and 26 corresponds generally to original claim 1, which has also been canceled. The other claims have been amended to comply with the new main claims and redundant claims have been canceled, as well as claim 16 reading on the nonelected species.

The overall number of claims has not been increased, and there are only three independent claims in the case, so no extra-claim fee is entailed.

The amended claim now specify that the assembly, which includes both a rotor and a stator, is installable in a borehole.

In contrast, US patent 6,557,642 of Head includes a stator permanently positioned in a casing, and an electric rotor that is then deployed into the borehole until it lands adjacent to the stator, so that the stator can turn the rotor, driving the pump. Thus a §102 rejection on Head '642 is impossible.

The amended claim also specifies that there is an inner tube between the stator and rotor. It is not clear that US patent 5,320,182 of Mendez separates the rotor and stator, and refers to filling the volume 50 with a neutral fluid such as kerosene. Thus Mendez requires that the rotor shaft be sealed from the environment by a dynamic seal (face seal 46). The motor components of the invention of the claim are therefore more secure than those of Mendez, because the stator of the invention is sealed between the relatively fixed inner and outer tubes and does not require a dynamic seal. The missing structure rules out a §102 rejection.

If the skilled person were to try to combine the teachings of Head and Mendez, the result would be the incorporation of several stators stacked in a casing, with a deployable assembly comprising a stack of rotors. It would not be obvious to incorporate the stator, inner tube and outer tube shown in Head into the deployable integral motor of Mendez, since the inner and outer tubes result from the stator being permanently installed in a casing, the purpose of which is to allow a deployable rotor to be supplied with power without having to use a power cable that would

have to be disposed with an integral deployable motor. Removing the stators from the casing would negate the purpose of Head. Thus a §103 rejection is also out of the question.

For these reasons the claims define allowable subject matter over the cited prior art. Allowance of all claims is in order.

If only minor problems that could be corrected by means of a telephone conference stand in the way of allowance of this case, the examiner is invited to call the undersigned to make the necessary corrections.

Respectfully submitted,  
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Enclosure:                      Corrected version  
                                    Substitute Specification  
                                    Replacement drawing (9 sheets)